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REMARKS

The application has been reviewed in light of the Office Action dated May 10, 2005. Claims 1-27 and 36-47 are pending in this application. The Examiner has allowed claims 37-46. By the present Amendment, claims 1, 13, 15, 21, 36 and 47 have been amended to correct formal matters. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

The informalities noted by the Examiner in claims 15 and 47 have been corrected by the amendments made to the claims. Reconsideration and withdrawal is respectfully requested of the objections to the claims as set forth in the Office Action at paragraph 2. Applicants submit that claim 47 may now be allowed.

The Anticipation Rejection

Claims 1-3, 6, 8-9, 11-13, 20 and 32-33 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,764,003 (Martschitsch). Applicants note that claims 32 and 33 have been cancelled. Applicants have carefully considered the Examiner's comments and the cited reference, and respectfully submit that amended independent claim 1 is patentably distinct from the cited reference, for at least the following reasons.

Amended independent claim 1 (and the claims dependent thereon) relates to an apparatus for controlling a wireless purchase of merchandise from a vending machine, the apparatus comprising, a controller device for directly controlling vending operations of the vending machine, wherein the controller device is directly interfaced to one or more circuits of the vending machine, and a wireless modem device for active communication between a network and the controller device. The wireless modem

device receives via the network a short message originated from a purchaser and communicates the short message to the controller device. Thus, upon the receipt of the short message, the controller initiates a vending operation, directly controls the vending operation, and communicates transaction information of the vending operation to a central computer.

Martschitsch, as understood by applicants, relates to a transaction method and selling system that utilizes an extension module that is digitally interfaced to the vending machine controller via the controller's system bus (see Column 4, lines 25-32). However, as understood by Applicant, Martschitsch does not disclose an apparatus for controlling a wireless purchase of merchandise from a vending machine, which comprises a controller for directly controlling vending operations of the vending machine, particularly where the controller is directly interfaced to one or more circuits of the vending machine. For example, the controller device of the present invention is directly connected to the dispensing circuit, the sold-out circuit, the coin mechanism, and display/selection buttons.

Martschitsch also does not disclose a wireless modem device for active communication between a network and the controller wherein communication can be initiated by either the network or the controller. As understood by the Applicants, Martschitsch uses a passive communication format between the service center and service terminals, and communication is initiated by the service center (see column 7, lines 51-55 and column 8, lines 38-40).

Further, as understood by applicants, the extension module in Martschitsch does not directly control the vending machine operations. Rather, it communicates with the vending machine operations by sending commands to the vending machine controller.

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See Column 5, lines 2-6. In other words, Martschitsch does not disclose a controller device that, upon receipt of a short message, initiates a vending operation, directly controls the vending operation, and communicates transaction information of the vending operation to a central computer. For at least these reasons, Applicants submit that amended independent claims 1 and 2-3, 6, 8-9, 11-13 and 20 are patentable over Martschitsch. Reconsideration and withdrawal of this rejection is respectfully requested.

The Obviousness Rejections

Claims 4-5 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Martschitsch in view of U.S. Patent No. 6,056,194 (Kolls). Claims 4-5 depend from Claim 1 and are believed to define patentable subject matter over Martschitsch at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicants respectfully traverse the rejection of claim 15, and submit that Martschitsch in view of Kolls does not render amended claim 15 obvious. As discussed above, Martschitsch does not disclose a controller for directly controlling vending operations of the vending machine, with the controller directly interfaced to one or more circuits of the vending machine and initiating a vending operation and transmitting transaction information about the vending operation to a central computer. Martschitsch's extension module (41) is directly and digitally interfaced to the vending machine controller via the controller's system bus (see column 4, lines 25-32). The controller in the vending system of the present invention, on the other hand, is directly interfaced to the analog circuits of the vending machine, including the dispensing circuit,

sold-out circuit, coin mechanism, and display/select buttons.

Additionally, Martschitsch does not disclose a wireless modem for active communication between a network and the controller device. As mentioned above, Martschitsch passively communicates format between the service center and service terminals, and communication is initiated by the service center (see column 7, lines 51-55 and column 8, lines 38-40). The present invention, in contrast, actively communicates between a network and the controller of the vending machine, and communication can be initiated by either party.

Further, Martschitsch does not disclose a controller that, upon receipt of a short message from a purchaser, simulates a purchase signal and sends the simulated purchase signal to the controller of the vending machine to initiate the vending operation and send vending transaction information to the central computer. Martschitsch's extension module (41) does not control the vending machine operations. Instead, it communicates with the vending machine by sending commands to the vending machine controller that controls the vending machine (see column 5, lines 2-6).

Moreover, Kolls does not supply the missing link. Kolls' network nodes (28, 30 and 32), like Martschitsch but unlike the present invention, communicate with the vending machine through a coin changer interface (see column 6, lines 13-15). Applicants' controller directly controls the vending machine or simulated operations. Thus, it appears that neither Martschitsch nor Kolls, whether taken singularly or in combination, render amended independent claim 15 obvious.

Accordingly, it is submitted that independent claim 15 defines patentable subject matter over Martschitsch in view of Kolls. Reconsideration and withdrawal of this rejection is respectfully requested.

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Claims 7, 10, 14, 21-22 and 26-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Martschitsch in view of U.S. Patent No. 6,547,038 (Defosse). Claims 7, 10 and 14 depend from Claim 1 and are believed to define patentable subject matter over Martschitsch at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicants respectfully traverse the rejection of Claim 21, and submit that Martschitsch in view of Defosse does not render the amended claims obvious. Martschitsch does not disclose aa system including a controller for acquiring inventory and transaction data and for directly controlling vending operations of the vending machine, with the controller directly interfaced to one or more circuits of the vending machine, for initiating a vending operation upon receipt of a first short message service originated from a purchaser. Martschitsch's extension module (41) connects directly to the vending machine controller via the controller's system bus (see column 4, lines 25-32), and makes no suggestion that an interface can communicate directly with the analog circuits in the vending machine. The controller in the system of the present invention is directly interfaced to the analog circuits of the vending machine, including the dispensing circuit, sold-out circuit, coin mechanism, and display/select buttons.

Furthermore, Martschitsch does not disclose a wireless modem for active communication between a network and the controller device. Instead, Martschitsch uses a passive communication format between the service center and service terminals, and the service center initiates communication (see column 7, lines 51-55 and column 8, lines 38-40). The present invention uses an active communication format between a network and the controller device of the vending machine of which communication can be initiated by either party.

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Accordingly, applicants submit that independent claim 21 defines unobvious patentable subject matter over Martschitsch in view of Defosse, and claims 22 and 26-27, which depend from Claim 21, define patentable subject matter over Martschitsch in view of Defosse at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 23-25 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Martschitsch, in view of Defosse, and in further view of Kolls. Claims 23-25 depend from Claim 21 and are also believed to define patentable subject matter over Martschitsch at least for the reasons set forth above. Reconsideration and withdrawal of this rejection is respectfully requested.

Applicants respectfully traverse the obviousness rejection of claim 36, and submit that Martschitsch in view of Defosse in further view of Kolls does not discuss or suggest ever feature recited in amended claim 36.

Amended Claim 36 relates in part to a computer program for controlling a wireless purchase from a vending machine and for on-line inventory managing in the vending machine, including software for obtaining merchandise quantity data from a merchandise dispensing interface circuit in the vending machine. The Examiner admits that Martschitsch does not disclose software for obtaining merchandise quantity data from the vending machine. Nevertheless, the Examiner contends it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include the quantity counting of Defosse in the invention of Martschitsch.

As discussed above, Martschitsch relates to a transaction method and selling system that utilizes an extension module that is digitally interfaced to the vending machine controller via the controller's system bus (see column 4, lines 25-32).

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Defosse relates to a wide area network operation center that sends and receives data from vending machines and utilizes a "Radio Frequency Identification" (RFID) device to scan inventory directly in order to obtain inventory readings (see column 1, lines 16-21 and column 6, lines 22-29).

Thus, Defosse relates to an RFID transceiver device to scan inventor directly, not to software for obtaining merchandise quantity data from a merchandise dispensing interface circuit in the vending machine.

Further, Applicants respectfully submit that, even combining Martschitsch with Defosse, the subject matter of amended claim 36 is not disclosed. Neither reference appears to suggest that the system in Defosse can be combined with the system or method of Martschitsch. Neither Martschitsch nor Defosse teach or suggest a computer program for controlling a wireless purchase from a vending machine and for on-line inventory managing in the vending machine with software for obtaining merchandise quantity data from a merchandise dispensing interface circuit in the vending machine, and neither seems to recognize the important advantages obtained from incorporating this feature into a vending machine.

Moreover, neither Martschitsch or Kolls disclose software for simulating a coin mechanism signal and transmitting the same to the controller device of the vending machine to initiate a vending operation, wherein the controller device is directly interfaced to one or more circuits of the vending machine. As discussed above, Martschitsch's extension module (41) does not control the vending machine operations but communicates with the vending machine operations by sending commands to the vending machine controller that controls the vending machine (see column 5, lines 2-6). Also, Kolls's network nodes (28, 30, and 32) are interfaced with the vending machine

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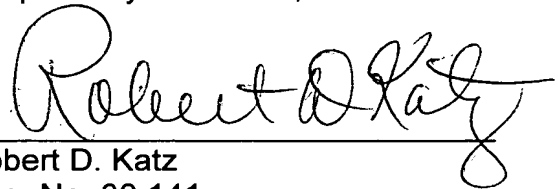
through a coin changer interface of the vending machine (see column 6, lines 13-15).
The controller device of the present invention directly controls one or more circuits of the vending machine.

For at least these reasons, applicants submit that amended independent claim 36 is patentable over Martschitsch in view of Defosse in further view of Kolls. Reconsideration and withdrawal of this rejection is respectfully requested.

The Office is hereby authorized to charge any additional fees which may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, applicants hereby request such a petition, and the Commissioner is authorized to charge the requisite fee therefor to our deposit account No. 03-3125.

Respectfully submitted,



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